

EXTRADITION

Protocol signed at Athens September 2, 1937, interpreting article I of treaty of May 6, 1931

Entered into force September 2, 1937

51 Stat. 357; Executive Agreement Series 114

PROTOCOL

Whereas a difference has arisen between the Government of the United States of America and the Government of Greece with respect to the proper interpretation of Article I of the Treaty of Extradition concluded on May 6, 1931,¹ between the United States and Greece, and in particular, with respect to the final clause of such Article which reads as follows:

“Provided That such surrender shall take place only upon such evidence of criminality as according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offense had been there committed.”

Whereas it is desirable that such differences should be resolved, it is agreed as follows:

The final clause of Article I of the Treaty of Extradition concluded on May 6, 1931, between the United States and Greece, shall, from and after this date, be understood to mean that the court or magistrate considering the request for extradition shall examine only into the question of the sufficiency of the evidence submitted by the demanding Government to justify the apprehension and commitment for trial of the person charged; or in other words, whether the evidence discloses probable cause for believing in the guilt of the person charged. It is further understood that the quoted treaty provisions do not signify that the court or magistrate is authorized to determine the question of the guilt or innocence of the person charged.

In faith whereof the undersigned plenipotentiaries have signed the present protocol and affixed thereto their respective seals.

Done in duplicate at Athens, Greece, the 2^d day of September 1937.

HAROLD SHANTZ [SEAL]

N. MAVROUDIS [SEAL]

¹ TS 855, *ante*, p. 353.